

“(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

“(7) ADDITIONAL EXEMPTIONS.—

“(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

“(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

“(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

“(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

“(C) NEW ENTRANTS AND LIMITED INCUMBENTS.—

“(i) DISTRIBUTION.—Of the exemptions made available under subparagraph (B), the Secretary shall make 2 available to limited incumbent air carriers or new entrant air carriers and 6 available to other incumbent air carriers.

“(ii) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under subparagraph (B) to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

“(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

“(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a sub-

stantial negative effect on 1 or more of those airports.

“(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.”

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking “3 operations” and inserting “4 operations”; and

(2) by striking “subsections (a) and (b)” and inserting “under this section”.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting “not” after “shall” in subparagraph (B);

(2) by striking “and” after the semicolon in subparagraph (B);

(3) by striking “Administration.” in subparagraph (C) and inserting “Administration; and”; and

(4) by adding at the end the following: “(D) for purposes of section 41718, an air carrier that holds only slot exemptions”.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

“(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.”

SA 85. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 58 proposed by Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2 of the amendment, strike line 18 and all that follows through page 3, line 21, and insert the following:

“(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to an individual who, while engaged in or on account of the performance of official duties, distributes, photographs, or otherwise records an image described in subsection (a) during the course of authorized intelligence activities, a Federal, State, or local criminal investigation or prosecution, or other lawful activities by Federal, State, or local authorities, including training for intelligence or law enforcement purposes.

“(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(d) ADVANCED IMAGING TECHNOLOGY DEFINED.—In this section, the term ‘advanced imaging technology’—

“(1) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by clothing; and

“(2) may include devices using backscatter x-rays or millimeter waves and devices re-

ferred to as ‘whole-body imaging technology’ or ‘body scanning’.”

NOTICES OF INTENT TO OBJECT

I, Senator JON KYL intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

I, Senator JIM DEMINT intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

I, Senator RAND PAUL intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN, Mr. President, this is to advise you that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Monday, February 21, 2011, at 10 a.m., at the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center, Concourse Level B, One Civic Plaza, 400 Marquette NW, in Albuquerque, New Mexico.

The purpose of the hearing will be to receive testimony regarding recent natural gas service disruptions in New Mexico and the reliability of regional energy infrastructure.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Kevin Huyler at (202) 224-6689, Deborah Estes at (202) 224-5360 or Meagan Gins at (202) 224-0883.

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI, Mr. President, I ask unanimous consent that a Coast Guard fellow in my office, Charles Banks, be granted floor privileges for the duration of the consideration of the FAA reauthorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. REID, Mr. President, I ask unanimous consent that the Senate proceed